

## **Cluster Area I: General Supervision**

### **Dispute Resolution – Complaints, Mediations, and Due Process Hearings Baseline/Trend Data**

(Place explanations to Ia, Ib, and Ic on the Table, Cluster Area I, *General Supervision*, Cell I, *Baseline/Trend Data*)

#### General Instructions for completing Attachment 1

Below are definitions for each data element in Attachment 1. In general, these definitions limit the numbers reported to the category of actions initiated during the reporting period for that cell. In other words, the cells provide specific detail (in a set and subsets) of those actions (written complaints, due process filings, or mediations) initiated during the twelve-month period. This approach will require States to extend their data collection beyond the twelve-month period in order to report final disposition of cases. Typically, that extension would not be more than 60 days beyond June 30th to allow for the disposition of cases pending on June 30th (e.g., complaints filed up to the end of June). To accommodate actions that may still be pending 60 days after the end of the year, there is a cell for “pending” actions at the end of each table (1a, 1b, 1c). The number of such cases is estimated to be very small. States will not be required to correct these reports in subsequent years after pending cases have closed.

#### **Ia: Formal Complaints**

##### **Ia: Complaints under 34 CFR §300.661**

**(Cell 1) July 1, 2003 - June 30, 2004:** The preferred reporting period is July 1, 2003 through June 30, 2004 (07/01/03 – 06/30/04). If data are not available for this time period, indicate the dates of the twelve-month period for the data reported (e.g., 09/01/03 – 08/31/04).

**(Cell 2) Number of Complaints:** Report the total number of written complaints received by the State during the reporting period.

**(Cell 3) Number of Complaints with Findings:** Of the complaints received during the reporting period (Cell 2), report the total number of complaints for which written decisions with findings of non-compliance were made. This count should include complaint dispositions that occurred after June 30, 2004, but before the *closing date for dispositions* of this report (see below, definition for “complaints pending”). Written decisions with findings include citations confirming the validity of any portion of the complaint and requiring correction by the agency(ies) against which the complaint was filed. Do not report here complaint investigations completed that had no substantiated findings of non-compliance (see Cell 4).

**(Cell 4) Number of Complaints with No Findings:** Of the complaints received during the reporting period (Cell 2), enter the total number of complaint investigations completed for which there were no substantiated findings of non-compliance made, including complaint dispositions that occurred after June 30, 2004, but before the *closing date for dispositions* of this report (see below, definition for “complaints pending”).

**(Cell 5) Number of Complaints not Investigated – Withdrawn or No Jurisdiction:** Of the complaints received during the reporting period (Cell 2), report the total number of formal written complaints that were not investigated as the result of the complaint being withdrawn by the complainant, or a complaint determined not within the jurisdiction of the State complaints process under 34 CFR §300.660-662 (e.g., a written complaint received that came down to a non-FAPE-related personnel issue, or a complaint regarding an issue that had previously been decided through a due process hearing). States should include all complaints not investigated for these reasons whether or not the decision not to investigate occurred after June 30, 2004, but before the *closing date for dispositions* of this report (see below, definition for “complaints pending”).

**(Cell 6) Number of Complaints Set Aside Because Same Issues Being Addressed in a Due Process Hearing:** Of the complaints received during the reporting period (Cell 2), report the number of complaint investigations in which extensions were granted for one or more issues in deference to a due process filing under 34 CFR §300.661(c).

**(Cell 7) Number of Complaints with Decisions Issued within 60 Calendar Days:** Of the complaints received during the reporting period (Cell 2), report the total number of complaint investigations completed on time within the standard 60-day timeline. States should include all complaint investigations

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completed within 60 days of filing (those with substantiated findings and those without such findings) whether or not completed after June 30, 2004, if they were completed before the closing date *for dispositions* of this report (see below, definition for “complaints pending”).

**(Cell 8) Number of Complaints Resolved beyond 60 Calendar Days, with a Documented Extension:**

Of the complaints received during the reporting period (Cell 2), report the number of complaint investigations completed on time where timelines were extended (e.g., an extension resulting from deferral to a due process filing under 34 CFR §300.661(c), or an extension granted under 34 CFR 300.661(b), where “exceptional circumstances exist with respect to a particular complaint”)

**(Cell 9) Number of Complaints Pending as of: \_\_\_\_/\_\_\_\_/\_\_\_\_ (enter closing date for dispositions):** Of the complaints received during the reporting period (Cell 2), report the total number of complaint investigations still pending as of the closing date for this report. The closing date for disposition of complaints filed during the reporting period may be set by the state, but generally will be 60 days following the closing date of the twelve-month reporting period.

**Calculation Notes:** (Cell 2) should equal (Cells 3+4+5+9). Total investigations (Cells 3+4) minus Complaints resolved on time (Cells 7+8) should equal the number of complaints completed late (after timelines and/or extensions expired).

**Ib: Mediations**

**(Cell 1) July 1, 2003 - June 30, 2004:** The preferred reporting period is July 1, 2003 through June 30, 2004 (07/01/03 – 06/30/04). If data are not available for this time period, indicate the dates of the twelve-month period for the data reported (e.g., 09/01/03 – 08/31/04).

**(Cell 2) Number of Mediations - Not Related to Hearing Requests:** If the State provides mediation under conditions other than those required under IDEA, report the total number of mediations held (at least initial sessions) during the reporting period that were not preceded by a hearing request. The state should count mediations regardless of the length of the mediation session(s) or whether they resulted in a mediation agreement. A mediation that involved multiple sessions should be counted as a single mediation. A mediation that failed and was followed by a due process request should be counted as not related to a hearing request. If the state makes mediation available only after a due process request has been filed, enter “NA” in this cell.

**(Cell 3) Number of Mediations - Related to Hearing Requests:** Enter the total number of mediations held (at least initial sessions) during the reporting period when the mediation involves the same parties (e.g., parents and school personnel) and was offered in conjunction with or after the filing of a due process request. The state should count mediations regardless of the length of the mediation session(s) or whether the mediation resulted in a written mediation agreement during the reporting period. A mediation that involved multiple sessions should be counted as a single mediation.

**(Cell 4) Number of Mediation Agreements - Not Related to Hearing Requests:** Of the “Number of Mediations - Not Related to Hearing Requests” (Cell 2), report the total number of mediation agreements completed, including those completed prior to the end of the *closing date for dispositions* of this report specified by the state (see below, definition of “mediations pending”). The State should count agreements that address all or any part of the issues raised in the mediation. The number entered into this cell of the table is a subset of Cell 2, the reported number of mediations not related to hearing requests.

**(Cell 5) Number of Mediation Agreements - Related to Hearing Requests:** Of the “Number of Mediations - Related to Hearing Requests” (Cell 3), report the total number of mediation agreements completed, including those completed prior to the end of the *closing date for dispositions* of this report specified by the state (see below, definition of “mediations pending”). The State should count agreements that address all or any part of the issues raised in the mediation.

**(Cell 6) Mediations Pending as of: \_\_\_\_/\_\_\_\_/\_\_\_\_ (enter closing date for dispositions):** Of the mediations held (at least initial sessions) during the reporting period (Cells 2+3), report the total number of mediations still

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pending (e.g., no agreement reached) as of the closing date for this report. The closing date for disposition of mediations initiated during the reporting period may be set by the state, but generally will be 60 days following the closing date of the twelve-month reporting period.

**Calculation Notes:** Cell 4 is a subset of Cell 2; Cell 5 is a subset of Cell 3. Total mediations held should equal (Cells 2+3). Total mediation agreements should equal (Cells 4+5). No report of total mediations requested or offered can be inferred from these numbers nor is it a required report element.

**Ic: Due Process Hearings**

**(Cell 1) July 1, 2003 - June 30, 2004:** The preferred reporting period is July 1, 2003 through June 30, 2004 (07/01/03 – 06/30/04). If data are not available for this time period, indicate the dates of the twelve-month period for the data reported (e.g., 09/01/03 – 08/31/04).

**(Cell 2) Number of Hearing Requests:** Report the total number of hearing requests received during the reporting period, regardless of whether a hearing was held or the request withdrawn during or after the reporting period. This includes hearings requested and not held because the issue was resolved through mediation. For states with two tiered hearing systems, a case that goes to both levels of hearing should be counted in the year of the first tier request as one hearing.

**(Cell 3) Number of Hearings (fully adjudicated):** Of the total number of hearing requests received during the reporting period (Cell 2), enter the number of due process hearings held (fully adjudicated) during that period or prior to the *closing date for dispositions* of this report (see below, definition for “hearings pending”).

**(Cell 4) Number of Decisions Issued within Hearing Timeline:** Of the total number of hearing requests received during the reporting period (Cell 2), report the number of due process hearings resulting in decisions that were issued within timelines.

**(Cell 5) Number of Decisions with Timeline Extended under 34 CFR §300.511(c):** Of the total number of hearing requests received during the reporting period (Cell 2), report the number of due process hearings resulting in decisions with timelines extended under 34 CFR §300.511(c).

**(Cell 6) Number of Hearings Pending as of: \_\_\_\_/\_\_\_\_/\_\_\_\_ (enter closing date for dispositions):** Of the total number of hearing requests received during the reporting period (Cell 2), report the number of due process hearings still pending as of the date for dispositions included in this report. The closing date for disposition of hearings requested during the reporting period may be set by the state, but generally will be 60 days or more following the closing date of the twelve-month reporting period.

**Calculation Notes:** Cells 3, 4 and 5 are each a subset of Cell 2. Cell 5 is a subset of Cell 4. Cell 4 is a subset of Cell 3. Cell 3 minus Cell 4 will equal the number of decisions issued late. Cell 2 minus Cells 3+6 should equal the number of due process hearing requests not fully adjudicated because they were withdrawn, judged not subject to full adjudication, settled through mediation, or otherwise no longer pending.

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Ia: Formal Complaints								
(1) July 1, 2003 - June 30, 2004 (or specify other reporting period: <u>9 / 1 / 03</u> to <u>8 / 31 / 04</u> )	(2) Number of Complaints	(3) Number of Complaints with Findings	(4) Number of Complaints with No Findings	(5) Number of Complaints not Investigated – Withdrawn or No Jurisdiction	(6) Number of Complaints Set Aside Because Same Issues being Addressed in a Due Process Hearing	(7) Number of Complaints with Decisions Issued within 60 Calendar Days	(8) Number of Complaints Resolved beyond 60 Calendar Days, with a Documented Extension	(9) Number of Complaints Pending as of: <u>8 / 31 / 04</u> (enter closing date for dispositions)
<b>TOTALS</b>	12	8	2	1	0	6	4	1

Ib: Mediations					
(1) July 1, 2003 - June 30, 2004 (or specify alternate period: <u>9 / 1 / 03</u> to <u>8 / 31 / 04</u> )	Number of Mediations		Number of Mediation Agreements		(6) Number of Mediations Pending as of: <u>8 / 31 / 04</u> (enter closing date for dispositions)
	(2) Not Related to Hearing Requests	(3) Related to Hearing Requests	(4) Not Related to Hearing Requests	(5) Related to Hearing Requests	
<b>TOTALS</b>	1	4	1	3	1

Ic: Due Process Hearings					
(1) July 1, 2003 - June 30, 2004 (or specify alternate period: <u>9 / 1 / 03</u> to <u>8 / 31 / 04</u> )	(2) Number of Hearing Requests	(3) Number of Hearings Held (fully adjudicated)	(4) Number of Decisions Issued within Timeline under 34 CFR §300.511	(5) Number of Decisions within Timeline Extended under 34 CFR §300.511(c)	(6) Number of Hearings Pending as of: <u>8 / 31 / 04</u> (enter closing date for dispositions)
<b>TOTALS</b>	5	1	1	0	1

